

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
AUGUST 25, 2015

The North Cass Water Resource District met on August 25, 2015, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Wes Ecker, Chairman; Robert Thompson, Manager; Ken Lougheed, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; and Brady Woodard, Moore Engineering, Inc.

**Minutes**

It was moved by Manager Lougheed and seconded by Manager Thompson to approve the minutes of the July 28 and 31, 2015, meetings, as presented. Upon roll call vote, the motion carried unanimously.

**Drain #55 Channel Improvements**

Brady Woodard updated the Board regarding the Drain #55 Channel Improvements Project. The construction should be complete by the end of next week. The contractor is beyond the substantial completion date of August 1, 2015. Sean Fredricks said a claim has been filed to reserve the right of the Water Resource District to assess liquidated damages, if needed.

**Drain #23 Channel Improvements**

Kurt Lysne updated the Board regarding the Drain #23 Channel Improvements Project in Section 12 of Gardner Township. A cost-share request was submitted to the State Water Commission for preliminary engineering. The total estimated cost of the project is \$16,500.

**Application to Install a Subsurface Drain #201510 for Brenda Larson in the NW 1/4 and NE 1/4 of Section 18 in Bell Township**

The Board reviewed *Application to Install a Subsurface Drain #201510* for Brenda Larson in the NW 1/4 and NE 1/4 of Section 18 in Bell Township. A Thirty-Day Notice will be sent to the downstream landowners.

**Application to Install a Subsurface Drain #201511 for Duane Dickson in the SE 1/4 of Section 28 in Hunter Township**

The Board reviewed *Application to Install a Subsurface Drain #201511* dated July 13, 2015, for Duane Dickson. The Board reviewed the criteria in Section 89-02-01-09

of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer’s Office to consider and approve). Under the application, Applicant seeks to install a drain tile system in the SE 1/4 of Section 28 in Hunter Township, Cass County, North Dakota. The project will outlet via an underground pipeline commencing in the northeast corner of the SE 1/4 of Section 28 and running north along the east boundary of the NE 1/4 of Section 28 for approximately one-quarter mile; from there the underground pipeline will daylight and will discharge into a natural watercourse at approximately the quarter mile line in the NE 1/4 of Section 28 that flows east under the township road and to the northeast across the NW 1/4 of Section 27. The underground pipeline along the east boundary of the NE 1/4 of Section 28 will be located outside the township’s 33-foot right of way.

Kurt Lysne reviewed the application and prepared a map that depicts the project. In addition, the Board contacted Jon Dickson by phone during the meeting to discuss the project, and he confirmed the underground pipeline will be outside of township right of way, and that the underground pipeline will daylight and outlet into the natural watercourse in the NE 1/4 of Section 28 (and will not be located in the NW 1/4 of Section 27). With that in mind, because the project will discharge directly into a natural watercourse, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code Section 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from landowners downstream of the outlet into the natural watercourse.

According to records on file with the Cass County Recorder’s Office, Dickson Investment, LLLP, owns the SE 1/4 of Section 28 of Hunter Township; and Dorothy Yule owns the NE 1/4 of Section 28 of Hunter Township.

It was moved by Manager Lougheed and seconded by Manager Thompson to approve *Application to Install a Subsurface Drain #201511* dated July 13, 2015, for Duane Dickson in the SE 1/4 of Section 28 in Hunter Township, subject to the following conditions:

- 1) That Applicant obtain and record (with the Cass County Recorder’s office) a permanent easement (and not just written consent) from Dickson Investment, LLLP, to permit Applicant to install, operate, and maintain a tile system in the SE 1/4 of Section 28 in Hunter Township, Cass County, North Dakota;
- 2) That Applicant obtain and record (with the Cass County Recorder’s office) a permanent easement (and not just a written consent) that permits Applicant to install, operate, and maintain a buried pipe from the owner of the E 1/2 of the NE 1/4 of Section 28, Hunter Township, Cass County, North Dakota;

- 3) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 4) That Applicant provide and maintain adequate erosion protection at any and all outlets into the natural watercourse in the NE 1/4 of Section 28;
- 5) That Applicant notify the North Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 6) That Applicant notify the North Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 7) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the North Cass Water Resource District; and
- 8) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201512 for Duane Dickson in the SW 1/4 and SE 1/4 of Section 30 in Hunter Township**

It was moved by Manager Thompson and seconded by Manager Loughheed to approve *Application to Install a Subsurface Drain #201512* dated July 13, 2015, for Duane Dickson in the SW 1/4 and SE 1/4 of Section 30 in Hunter Township, contingent upon the approval of the Rush River Water Resource District and the conditions they attach. Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain #201513 for Dan Zimmerman in the NE 1/4 and SE 1/4 of Section 25 in Hunter Township**

The Board reviewed *Application to Install a Subsurface Drain #201513* for Dan Zimmerman in the NE 1/4 and SE 1/4 of Section 25 in Hunter Township. A Thirty-Day Notice will be sent to the downstream landowner.

**Bills**

It was moved by Manager Thompson and seconded by Manager Loughheed to approve payment of Checks #4018 through #4025 and the electronic funds transfer, as presented. Upon roll call vote, the following Managers voted in favor: Ecker, Thompson, and Loughheed. The Chairman declared the motion passed.

**Drain #19 – bridge repair**

Manager Lougheed asked if the bridge on Drain #19 between Sections 23 and 26 of Noble Township is being repaired or replaced by Cass County. Mr. Woodard will talk to Tom Soucy from the Cass County Highway Department regarding plans for the bridge.

**Adjournment**

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

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Wes Ecker  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer